

# HOUSE BILL No. 1404

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 1-1-2-3.

**Synopsis:** Federal power. Provides that a federal regulation is not binding on an Indiana governmental entity unless the regulation: (1) is substantively identical to a statute enacted as provided in Article I, Section 7 of the Constitution of the United States; or (2) has been specifically approved by a statute enacted as provided in Article I, Section 7 of the Constitution of the United States.

**Effective:** July 1, 2016.

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## Baird, Friend

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January 13, 2016, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1404

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 1-1-2-3 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2016]: **Sec. 3. (a) As used in this section, "governmental entity"**  
4 **refers to any of the following:**

5 (1) **The state.**

6 (2) **A political subdivision.**

7 (3) **An agency, a corporation, or an instrumentality of an**  
8 **entity described in subdivision (1) or (2).**

9 (b) **As used in this section, "federal regulation" refers to any of**  
10 **the following:**

11 (1) **A regulation printed in the Code of Federal Regulations.**

12 (2) **Any statement of policy by an agency, a corporation, or an**  
13 **instrumentality of the federal government.**

14 (c) **As used in this section, "political subdivision" has the**  
15 **meaning set forth in IC 36-1-2-13.**

16 (d) **A federal regulation is not binding on a governmental entity**  
17 **unless the regulation:**



1           **(1) is substantively identical to a statute enacted as provided**  
2           **in Article I, Section 7 of the Constitution of the United States;**  
3           **or**  
4           **(2) has been specifically approved by a statute enacted as**  
5           **provided in Article I, Section 7 of the Constitution of the**  
6           **United States.**

